

January 3, 2018

**SUBMITTED ELECTRONICALLY**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

**Re: Freedom of Information Act Request for All Records Related to Reporting Required by 40 C.F.R. Part 60 Subpart OOOOa**

Dear National Freedom of Information Officer,

Clean Air Council (“CAC” or “the Council”) respectfully requests records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. CAC seeks copies of all records, as that term is described at 5 U.S.C. § 552(f)(2), related to reporting made pursuant to 40 C.F.R. Part 60 Subpart OOOOa (“Subpart OOOOa”), “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources.” These include, but are not limited to, communications, documents, letters, information, notes, memoranda, electronic mail transmissions or other electronic forms of information, telephone logs and records, meeting records, reports, analyses, assessments, data, and modeling, including all drafts and preliminary forms of any such records. Specifically, the Council requests:

1. Copies of all reports submitted to the Environmental Protection Agency (“EPA”) pursuant to Subpart OOOOa’s reporting requirements, including, but not limited to, the following:
  - a. Results of the Performance Test, as required by 40 C.F.R. § 60.5420a(b)(9)(i);
  - b. Initial Semiannual Reports, as required by 40 C.F.R. § 60.5422a(b), including, but not limited to, the five (5) Initial Semiannual Reports that EPA has already received<sup>1</sup>;
  - c. Semiannual Reports, as required by 40 C.F.R. § 60.5422a(a), including, but not limited to, the seven (7) Semiannual Reports that EPA has already received<sup>2</sup>;

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<sup>1</sup> U.S. EPA, Part 60 Stats, <https://www3.epa.gov/ttn/chief/cedri/Part60stats.pdf>.

<sup>2</sup> *Id.*

- d. Annual Reports, as required by 40 C.F.R. § 60.5420a(b), including, but not limited to, the forty-three (43) Annual Reports that EPA has already received<sup>3</sup>; and
  - e. Annual Reports of Excess Emissions for Sweetening Units, as required by 40 C.F.R. § 60.5423a(b).
2. Copies of all internal correspondence and all correspondence between EPA and outside parties containing:
- a. Reference to Subpart OOOOa, or any of the specific reports or regulatory provisions listed above in paragraphs (1)(a) - (1)(e) of this request; and
  - b. Containing one or more of the following terms:
    - i. “Comply,” including any inflection thereof (e.g., “complies,” “complying,” “compliance,” or “compliant”);
    - ii. “Deadline” or “deadlines”;
    - iii. “Delay,” including any inflection thereof (e.g., “delays,” “delayed,” or “delaying”);
    - iv. “Due”;
    - v. “Enforce,” including any inflection thereof (e.g., “enforces,” “enforcement,” or “enforcing”);
    - vi. “Extend,” including any inflection thereof (e.g., “extending,” “extension,” “extensions,” or “extends”);
    - vii. “Postpone,” including any inflection thereof (e.g., “postpones,” “postponement,” “postponing,” or “postponed”); or
    - viii. “Variance” or “variances.”

Beginning on July 29, 2016, as part of compliance with Subpart OOOOa<sup>4</sup>, owners and operators of regulated oil and gas facilities were able to submit compliance reports made pursuant to Subpart OOOOa through EPA’s Compliance and Emissions Data Reporting Interface (“CEDRI”). Therefore, CAC respectfully requests any information responsive to paragraph (1) of this request that was transmitted, produced, or modified by the agency from July 29, 2016 until the date that the EPA begins searching for records responsive to this request. The Council also respectfully requests any information responsive to paragraph (2) of this request that was transmitted, produced, or modified by the agency from January 20, 2017, until the date that EPA begins searching for records responsive to this request.

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<sup>3</sup> *Id.*

<sup>4</sup> Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, 81 Fed. Reg. 35,824 (June 3, 2016).

Should any of the information sought in this request be deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), CAC respectfully requests that EPA provide an explanation for each such record or portion thereof sufficient to identify the record and the specific exemption(s) claimed.

### **Request for Expedited Processing**

CAC respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is “[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief: Subpart OOOOa directly affects key CAC program areas. CAC works hard to protect Pennsylvanians from the impacts of air pollution, and the reduction in GHG and VOC emissions from oil and natural gas well sites and compressor stations is of great institutional importance to CAC. The Council submitted public comments on Subpart OOOOa and has intervened to defend Subpart OOOOa from legal challenges brought by several states and industry groups. Most significantly, CAC prevailed in a legal challenge to EPA’s unlawful attempt to stay Subpart OOOOa’s key compliance dates. *Clean Air Council v. Pruitt*, 862 F.3d 1 (D.C. Cir. 2017). CAC plays a critical role in educating impacted communities about the air pollution threats caused by oil and natural gas development and the pervasiveness of GHG and VOC leaks. CAC empowers residents to voice their concerns regarding air pollution at public hearings, in social media, through petitions, and in letters to local newspapers.

Expedited processing is critical so that the American people have access to information on the effectiveness of EPA’s standards for new, reconstructed, and modified oil and natural gas facilities, including information on the critically important emission reductions these standards are delivering.

### **Request for Fee Waiver**

CAC respectfully requests a waiver of fees associated with this request pursuant to its status as a non-partisan, non-profit organization, as defined under 26 CFR § 1.501(c)(3)-1, that provides information in the public interest. The information received will not be used for any commercial purpose but, rather, will provide public accountability and ensure agency compliance with the above-cited *Clean Air Council v. Pruitt*. As such, the information will contribute to a greater

public understanding of key methane and air pollution issues of considerable public interest. 5 U.S.C. § 552(a)(4)(A)(iii). The Council is exceptionally well-suited to disseminate information to the public as submitted pursuant to Subpart OOOOa given that we routinely issue press releases, action alerts, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request.

Therefore, CAC respectfully requests that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. In the event that this request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (215) 567-4004 ext. 132 or by email at [rrouth@cleanair.org](mailto:rrouth@cleanair.org).

Respectfully Submitted,

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